

## DIVERSITY NEWS

June 2006

**Yvonne:** Even though there are many people in various career fields working to prevent any and all forms of discrimination in their work environments, discrimination still exists today—and it exists in the places in which we work.

And because of this, somewhere along the line you may have heard references to “equal employment opportunity” (or EEO), “affirmative action,” and “diversity management.” Maybe you heard these terms during some form of training you were required to take, or perhaps you overheard a conversation between an EEO Manager and a Special Emphasis Program Manager. But do you know what these terms mean? Why they’re important? Or how they’re different?

**Thomas:** In this edition of Diversity News, we’ll look at EEO, affirmative action, and diversity management—how they differ and why their differences matter. We’ll examine their definitions, their distinct differences, and how—ideally—they work together to eliminate discrimination from the work place and achieve equal employment opportunities for everyone.

**Thomas:** EEO, affirmative action, and diversity management are three very different terms used to describe different methods of ensuring that discrimination is eliminated from the workplace. They differ in scope, intent, and implementation.

In short, equal employment opportunity—or, EEO—is the ultimate goal of laws mandated by the Federal government to make specific types of discrimination *illegal*.

Affirmative action, on the other hand, refers to positive steps taken to increase the representation of women and minorities in areas of employment, education, and business from which they have been historically excluded.

Diversity management, however, does not involve legal requirements. Diversity management involves encouraging tolerance and respect, with the intention of enabling every employee to maximize his or her performance. Diversity management strives for true inclusiveness; that is, not just tolerance of certain differences as mandated by law, but true valuation of the rights, feelings, and needs of all individuals.

Though these terms describe different actions with varying intentions and objectives, they do have a shared goal—one common purpose that binds them together—and that is to enable all individuals to work to their potential unhindered by prejudice and discrimination.

**Yvonne:** In short, the goal of Equal Employment Opportunity, or EEO, is to eliminate *illegal* discrimination in the employment process. Under EEO law, only job-related factors can be used to determine whether an individual is qualified for a particular job.

EEO is the ultimate goal of these laws that make some types of discrimination in employment illegal. EEO is not a guarantee of employment for anyone, but EEO will become a reality when everyone has an equal chance to enjoy the benefits of employment.

There are five EEO laws that prohibit discrimination on the basis of race, color, religion, sex, national origin, age, or handicap in any terms, conditions, or privileges of employment. These five laws are:

The Equal Pay Act of 1963, as amended.

Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972 and the Pregnancy Disability Act of 1978.

The Rehabilitation Act of 1973, as amended.

The Age Discrimination in Employment Act of 1967, as amended.

And the Civil Rights Act of 1991

Discrimination based on sexual orientation, while not covered under any specific Civil Rights laws, is addressed in an Executive Order as a prohibited form of discrimination in the Federal government.

**Thomas:** Ideally, EEO laws and affirmative action programs combine to achieve equal employment opportunities. Affirmative action is about getting people past exclusions and into jobs. Even after laws were passed requiring that all people shall be provided an equal opportunity in the employment process, major under-representation of specific groups of people still existed. So much so that employers were asked to evaluate how such a condition could exist. In these evaluative processes, it was found that the effects of past discrimination were so prevalent and invasive that special affirmative measures needed to be utilized to remove barriers and open up employment to a more diverse applicant group.

In 1965, President Lyndon Johnson signed an Executive Order requiring government contractors to “take affirmative action” toward prospective minority employees in all aspects of hiring and employment.

The Executive Order required Federal contractors to: “Take affirmative action to ensure that applicants are employed, and that employees are treated during employment without regard to their race, creed, color, or nation origin.” In 1967, Johnson expanded the Executive Order to include affirmative action requirements to benefit women.

The purpose of affirmative action is to correct the effects of past discrimination and to achieve the goal of a workforce that represents our Nation’s diverse population. Classes covered under affirmative action include minorities (Hispanic, African-American, Asian American/Pacific Islander, Native American), women, and individuals with disabilities.

In Federal employment, extra effort must be made to include qualified minorities, women, employees over 40, and the disabled at grade levels and in job categories where they are underrepresented.

**Yvonne:** The goals of diversity management are flexibility and inclusion—treating all people with respect and dignity and in an equitable way. Diversity management covers ALL people and ALL differences, not just protected classes.

The differences considered in diversity initiatives go beyond the legal definition of protected classes. They include all of the ways in which people differ, including innate characteristics (such as age, race, gender, ethnicity, mental and physical abilities, and sexual orientation) and acquired characteristics (such as education, income, religion, work experience, language skills, geographic location, and family status)

Diversity management is a process intended to create and maintain a positive work environment where the similarities and differences of individuals are valued, so that all can reach their potential and maximize their contributions to an organization's strategic goals and objectives.

Although diversity management is freed from legal constraints, the benefits of effective diversity programs are invaluable to any organization. For example, when good people are hired through intensive outreach efforts, if they feel unwelcome, they are likely to leave the organization. Organizations can reduce turnover rates and recruitment costs by developing and maintaining effective diversity initiatives that promote an environment that works for everyone, regardless of innate or acquired characteristics.

**Thomas:** These three programs—EEO, affirmative action, and diversity management—differ in regulatory or legal basis, program goals, and the people they cover. We've already spent some time talking about these issues, but there are also differences between avenues of redress and responsibilities of agency employees.

Under Equal Employment Opportunity, it is a violation of EEO law when discriminatory acts are committed by employers, managers, supervisors, or employees. The most common form of discrimination which can be committed by a person without supervisory responsibility is that of harassment.

The EEO complaints process is the main avenue of recourse for an individual who feels that they have been discriminated against because of their membership in one of the seven protected classes. If an agency has a union, it may be that the union grievance procedure is also an avenue that the bargaining unit member may use.

Agencies must stop the discrimination and “make whole” the individuals discriminated against. They must also assure that the act does not happen again and that retaliation does not take place against the individual who filed the complaint.

**Yvonne:** It is a violation of Affirmative Action when employers do not make efforts to remove barriers and to hire people of diverse backgrounds, continuing instead to have under-representation of minorities, women, or individuals with disabilities.

The EEO Discrimination Complaints Process can be used to allege that the agency's policies, practices, and procedures are discriminatory. The EEOC may call an agency to ask if there is evidence that the agency's Affirmative Employment Plan is not effective. Third party groups may lobby an agency, calling attention to widespread discriminatory practices.

Affirmative Action Plans, or Affirmative Employment Plans (AAPs and AEPs), are written plans for programs required by Executive Order 11478 and other laws and regulations. AAPs may contain studies that show how the workforce has been used, and they may include goals and timetables for increasing the representation of protected class members in those areas where they have been under-represented.

Once the barrier is identified, agencies must take specific steps which will remove the barrier and then show that the people who have been discriminated against in the past are now represented at higher rates. Failing voluntary action, organizations could be required to implement action items and, in extreme cases, could have hiring quotas imposed by court order.

**Thomas:** Diversity's main focus is on understanding and acceptance, not merely tolerance.

A violation related to diversity management occurs when an individual is denied equitable treatment for reasons unrelated to equal employment opportunity, or is made to feel excluded.

Diversity recourse includes administrative grievance procedures, negotiated grievance procedures, and appeals processes.

If the unfair treatment is based on one of the protected EEO classes, a formal EEO complaint process can be employed.

**Yvonne:** The other major difference between EEO, Affirmative Action, and diversity management is the assignment of responsibility for these programs.

For EEO, line managers have the first responsibility to assure that their personnel actions are free from discrimination and to make sure that the people working for them are also not engaging in discriminatory behavior. All employees are prohibited from engaging in harassing behavior (based on religion, race, color, national origin, sex, disability or sexual orientation). EEO staff is responsible to make sure employees are aware of their rights and to assure that the discrimination complaints process is in place and working.

For AFFIRMATIVE ACTION, line managers should assure the removal of barriers, EEO staff and Special Emphasis Program Managers should help identify barriers and solutions, and the HR office should help with recruitment and barrier analysis. Line managers have the first responsibility in assuring that their workforce is diverse through

recruiting and hiring practices that allow diversity to naturally occur. The EEO office assists line management in assessing under-representation, analyzing statistics to identify specific problems or barriers and then developing workable solutions to remove those barriers.

Special Emphasis Program Managers can play a major role in helping management analyze policies, practices, and procedures which may present barriers to the hiring and advancement of women, minorities, and individuals with disabilities.

For diversity management, responsibility begins at the very top of an organization. Leadership, role modeling, and accountability are the primary keys to success for ANY workplace environmental change, and that's EXACTLY what diversity management involves.

For DIVERSITY MANAGEMENT, other responsible personnel include line managers, who should treat all employees EQUITABLY and assure that subordinates do the same. And ALL employees should treat each other with respect.

The differences and similarities between these three terms—diversity management, EEO, and affirmative action—may sometimes get confusing. Thankfully, there are a number of training courses available that can help increase understanding.

For example, the VA Learning University offers courses on equal employment opportunity, affirmative action, and diversity management. The Defense Equal Opportunity Management Institute offers several types of EEO training, as does. Rushford & Associates.

**Thomas:** That's all we have for this edition of Diversity News. Be sure to check back with us next month when we'll be talking about what it takes to create "a psychologically healthy workplace."

**Yvonne:** Until then, for more frequent updates of diversity news, sign up for our free weekly e-mail news service, NewsLink. Just send an e-mail message to the address shown below, with the words SUBSCRIBE NEWS in the subject line.

**Thomas:** And check out our bimonthly newsletter, Diversity@Work, available as a download on our Web site or by e-mail from our office.

**Yvonne:** Also, we want to hear from you! If you'd like to share your story ideas, comments, or suggestions, please e-mail us at [dmeeo@va.gov](mailto:dmeeo@va.gov) with the words DIVERSITY NEWS in the subject line.

Until next time...

**Both:** Have a great month!